

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HOWARD PRESCOD,	:	10 Civ. 2395 (SHS)
	:	
Petitioner,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
D. BROWN,	:	
	:	
Respondent.	:	

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SIDNEY H. STEIN, U.S. District Judge.

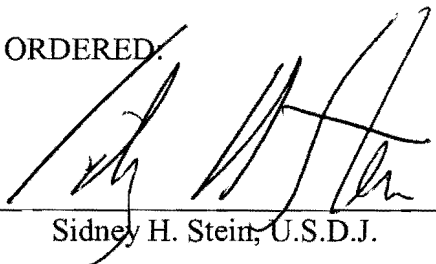
On January 20, 2011, Magistrate Judge Andrew J. Peck recommended that Prescod's petition for a writ of *habeas corpus* be denied. Any objections to that Report and Recommendation were due by February 7, 2011. Having received no objections from petitioner by that date, this Court made a *de novo* review of the January 20, 2011 Report and Recommendation and denied the petition in an Order dated February 10, 2011.

On February 9, 2011, Magistrate Judge Peck's chambers received a document captioned "This is the Traverse to the Return of the Respondent's Opposition for a Writ of Habeas Corpus." Accompanying that document and dated January 28, 2011, is a one page letter apparently asking that the "Traverse to the Return of the Respondent's Opposition for a Writ of Habeas Corpus" be accepted even though it is late. It is unclear whether that document is a reply

submission on the petition for a writ of *habeas corpus* or whether it is objections to the Report and Recommendation. In any event, the Court has considered that document and adheres to its February 10, 2011 Order denying the petition.

Dated: New York, New York
February 16, 2011

SO ORDERED.



Sidney H. Stein, U.S.D.J.